

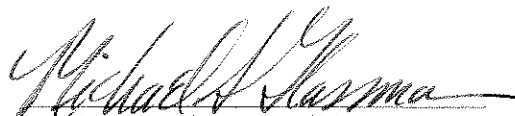
Michael S. Glassman (0012713)
Trina M. Walton (0070469)
Attorneys for Defendants
Sharefax Credit Union *et al.*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THOMAS PASSARGE	:	Case No. C-1-01-239
	:	
Plaintiff,	:	JUDGE SPIEGEL
	:	
v.	:	
	:	
SHAREFAX CREDIT UNION, <i>et al.</i> ,	:	<u>DEFENDANTS' MOTION FOR</u>
	:	<u>COSTS PURSUANT TO</u>
Defendants.	:	<u>FEDERAL RULE OF CIVIL PROCEDURE</u>
	:	<u>54(d)(1)</u>

Pursuant to Federal Rule of Civil Procedure 54(d)(1), Defendants move this Court for a Bill of Costs in its favor in the amount of \$6,019.23. A Memorandum in Support of this Motion is attached hereto.

Respectfully submitted,



Michael S. Glassman (0012713)
Trina M. Walton (0070469)
Dinsmore & Shohl LLP
255 East Fifth Street
Cincinnati, OH 45202
Ph: (513) 977-8200
Fax: (513) 977-8141

Attorneys for Defendants,
Sharefax Credit Union, Edwin
Lake, C. Patrick McMahon, Winston
Nickell, Michael Acree, Dennis
Messer, Stephen Secrest, C. David
Taylor, and Michael Triantafilou

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THOMAS PASSARGE	:	Case No. C-1-01-239
	:	
Plaintiff,	:	JUDGE SPIEGEL
	:	
v.	:	
	:	
SHAREFAX CREDIT UNION, <i>et al.</i> ,	:	<u>MEMORANDUM OF COSTS</u>
	:	
Defendants.	:	

The following is an itemization of costs incurred by Defendants, Sharefax Credit Union, Edwin Lake, C. Patrick McMahon, Winston Nickell, Michael Acree, Dennis Messer, Stephen Secrest, C. David Taylor, and Michael Triantafilou in the above-captioned matter, in which a final judgment in Defendants' favor was entered on July 23, 2003 against Plaintiff Thomas Passarge. An Affidavit from Defendants' counsel verifying such costs, as required by 28 U.S.C. § 1924, is attached as Exhibit A.

ITEMIZATION:

A. Costs Of Depositions Necessarily Used In Defendants' Successful Motion For Summary Judgment

1. Court reporter and transcript of T. Passarge deposition, Volume I, taken on 11/07/2002\$1,173.30
2. Transcript of the deposition of A. Kremer taken on 12/04/2002\$ 446.50
3. Transcripts of the depositions of E Lake, W. Nickell and P. McMahon taken on 12/06/2002\$ 757.00
4. Court reporter and transcript of T. Passarge deposition, Volume II, taken on 11/26/2002.....\$ 891.15
5. Transcript of the deposition of C. Taylor taken on 1/16/2003\$ 434.25

6. Transcripts of the depositions of J. Neumann and
M. Franzen taken on 1/17/2003\$ 974.25

7. Transcripts of the depositions of D. Messer and
M. Triantafilou taken on 1/24/2003\$ 230.25

TOTAL DEPOSITION

COSTS:\$4,906.70

B. Duplication Charges Incidental To Defendants' Motion For Summary Judgment

1. Copies of Defendants' Motion for Summary
Judgment and Memorandum in Support Thereof
(48 pages @ 15¢ x 4 copies) ¹ \$ 28.80

2. Copies of Plaintiff's Memorandum in Opposition to
Defendants' Motion for Summary Judgment
(56 pages @ 15¢ x 3 copies) ² \$ 5.20

3. Copies of Defendants' Reply Brief in Support of
Their Motion for Summary Judgment
(61 pages @ 15¢ x 4 copies) ¹ \$ 36.60

TOTAL DUPLICATION COSTS

FOR DEFENDANTS' MSJ: \$ 90.60

C. Duplication Charges Incidental To Discovery Requests And Responses

1. Documents produced to Plaintiff
in Discovery (1,175 pages @ 15¢ x 3 copies) ³ \$ 528.75

2. Defendants' Responses to Plaintiff's
1st Request for Production of Documents
(19 pages @ 15¢ x 3 copies) ³ \$ 8.55

¹ Includes one copy for the Court, two copies (in total) for all named Defendants, and one attorney work copy.

² Includes two copies (in total) for all named Defendants and one attorney work copy.

³ Includes one copy for all named Defendants, an opposing counsel copy, and an attorney work copy.

3.	Defendants' Responses to Plaintiff's 2nd Request for Production of Documents (4 pages @ 15¢ x 3 copies) ⁴	\$ 1.80
4.	Defendants' Responses to Plaintiff's 3rd Request for Production of Documents (6 pages @ 15¢ x 3 copies) ⁴	\$ 2.70
5.	Defendants' Responses to Plaintiff's 4th Request for Production of Documents (12 pages @ 15¢ x 3 copies) ⁴	\$ 5.40
6.	Defendants' Responses to Plaintiff's 5th Request for Production of Documents (6 pages @ 15¢ x 3 copies) ⁴	\$ 2.70
7.	Defendants' Responses to Plaintiff's 1st Set of Interrogatories (9 pages @ 15¢ x 3 copies) ⁴	\$ 4.05
8.	Defendants' Responses to Plaintiff's 2nd Set of Interrogatories (4 pages @ 15¢ x 3 copies) ⁴	\$ 1.80
9.	Defendants' Discovery Requests Propounded To Plaintiff (18 pages @ 15¢ x 3 copies) ⁴	\$ 8.10
TOTAL DUPLICATION COSTS FOR DISCOVERY:		\$ 563.85

D. Miscellaneous Costs

1.	Costs for copies of Plaintiff's medical records and papers necessarily obtained for use in this case.....	\$ 239.18
2.	Costs for copies of audio cassettes produced to Plaintiff in response to Plaintiff's Requests for Production of Documents	\$ 218.90
TOTAL MISCELLANEOUS COSTS:		\$ 458.08

⁴ Includes one copy for all named Defendants, an opposing counsel copy, and an attorney work copy.

E. Subtotals and Grand Total

Cost of depositions \$ 4,906.70

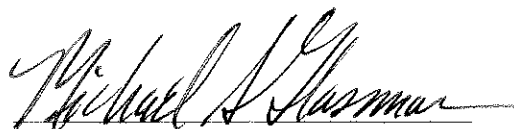
Duplication costs incidental to MSJ \$ 90.60

Duplication costs for discovery \$ 563.85

Miscellaneous Costs \$ 458.08

GRAND TOTAL \$ 6,019.23

Respectfully Submitted,



Michael S. Glassman (0012713)

Trina M. Walton (0070469)

Dinsmore & Shohl LLP

1900 Chemed Center

255 East Fifth Street

Cincinnati, OH 45202

Ph: (513) 977-8200

Fax: (513) 977-8141

Attorneys for Defendants,

Sharefax Credit Union, Edwin

Lake, C. Patrick McMahon, Winston

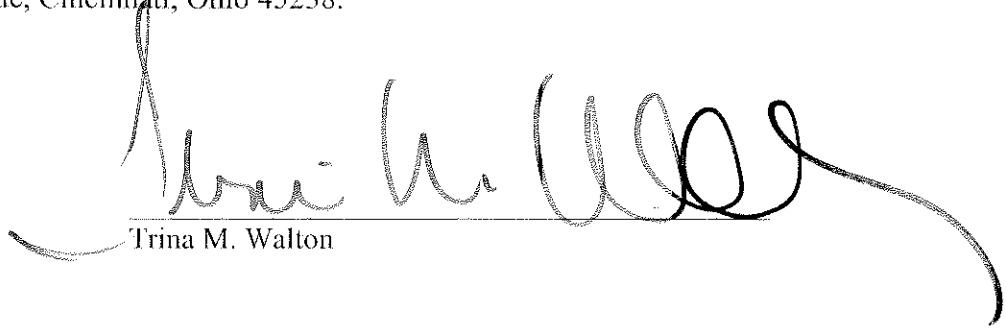
Nickell, Michael Acree, Dennis

Messer, Stephen Secrest, C. David

Taylor, and Michael Triantafilou

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of Defendants' Motion for Costs Pursuant to Federal Rule 54(d)(1) was served via regular mail, this 3rd day of September, 2003, upon Martin McHenry, Trial Attorney for Plaintiff, Haverkamp, Brinker, Rebold & Riehl Co., LPA, 5856 Glenway Avenue, Cincinnati, Ohio 45238.

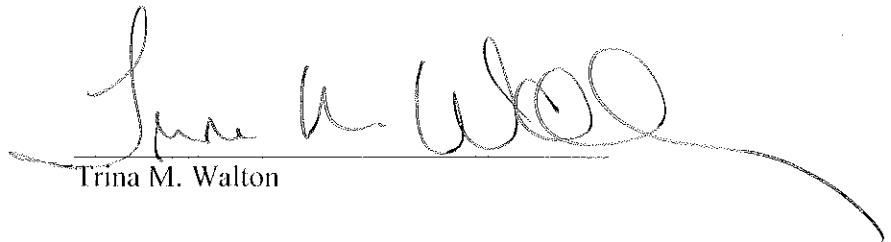
A handwritten signature in black ink, appearing to read 'Trina M. Walton', is written over a horizontal line. The signature is stylized with a large initial 'T' and a long, sweeping tail that extends to the right.

Trina M. Walton

**AFFIDAVIT
OF
TRINA M. WALTON, ESQ.**

STATE OF OHIO)
)
COUNTY OF HAMILTON)

I, Trina M. Walton, being duly cautioned and sworn, state that I am one of the attorneys for Defendants, Sharefax Credit Union, Edwin Lake, C. Patrick McMahon, Winston Nickell, Michael Acree, Dennis Messer, Stephen Secrest, C. David Taylor, and Michael Triantafilou in the above action. As co-counsel in this matter, I have personal knowledge of the facts relative to the costs set forth above; that the items in the above Memorandum and Bill of Costs are correct, and have been necessarily incurred in the said action; and that services charged therein have been actually and necessarily performed as therein stated.


Trina M. Walton

Sworn to and subscribed before me, a Notary Public, this 3rd day of September, 2003


Notary Public

PAMELA J. BRAUNSTEIN
Notary Public, State of Ohio
My Commission Expires Dec. 3, 2003